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Working Party on the Transport of Perishable Foodstuffs

Terms of Reference and Rules of Procedure of the Working Party on the Transport of Perishable Foodstuffs (WP.11)

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Terms of reference of the Working Party on the Transport of Perishable Foodstuffs (WP.11)

1. The Working Party on the Transport of Perishable Foodstuffs (hereinafter referred to as WP.11), acting within the framework of the policies of the United Nations and the Economic Commission for Europe (hereinafter ECE) and under the general supervision of the Inland Transport Committee (hereinafter ITC) shall, provided such actions are in conformity with the Terms of Reference of ECE (document E/ECE/778/Rev.4):

(a) Initiate and pursue actions aimed at enhancing the preservation of the quality of perishable foodstuffs during their carriage, particularly in international transport;

(b) Promote the facilitation of international transport of perishable foodstuffs by harmonizing the relevant regulations and rules and the administrative procedures and documentation requirements to which this transport is subject;

(c) Develop and update the Agreement concerning the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP), concluded in Geneva in 1970, and other relevant legal instruments on the transport of perishable foodstuffs that the ITC may charge it with administering;

(d) Encourage the accession of new countries to the Agreements mentioned above;

(e) Ensure harmonization of the ATP with other relevant legal instruments on the transport of perishable foodstuffs developed in other fora;

(f) Encourage participation in its activities by fostering cooperation and collaboration with countries, the European Commission, international governmental and non-governmental organizations concerned with the transport of perishable foodstuffs and the other United Nations regional commissions and other organizations or bodies of the United Nations system;

(g) Collaborate closely with the other subsidiary bodies of ITC, particularly the World Forum for Harmonization of Vehicle Regulations (WP.29), the Working Party on Road Transport (SC.1), the Working Party on Rail Transport (SC.2) and any other relevant ECE body on matters of common interest relating to the transport of perishable foodstuffs such as the Working Party on Agricultural Quality Standards (WP.7);

(h) Draw up and implement a programme of work relating to its activities;

(i) Create a working environment that facilitates fulfilment by the Contracting Parties of the obligations set forth in the legal instrument concerned by the activities of the Working Party, and an exchange of views on the interpretation of this instrument or the resolution of problems connected with their enforcement;

(j) Ensure openness and transparency during its meetings.

2. These Terms of Reference and the Rules of Procedure apply to WP.11 and do not modify the provisions of the relevant legal instrument.

Rules of procedure of the Working Party on the Transport of Perishable Foodstuffs (WP.11)

Chapter I

Participation

Rule 1

(a) Member countries of ECE shall be considered full participants of WP.11;

(b) Non-member countries of ECE as defined in paragraph 11[1] of the Terms of Reference of ECE may participate in a consultative capacity in WP.11 on any matter of particular concern to them. These countries may however participate as full members at sessions of WP.11 if they are ATP Contracting Parties;

(c) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with paragraphs 12[2] and 13[3] of the Terms of Reference of ECE, participate in a consultative capacity in WP.11 in discussions that WP.11 may hold on any matter of particular concern to those agencies or organizations;

(d) Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of WP.11 and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions that WP.11 may hold on any matter of interest to these organizations;

(e) Consultations with specialized agencies shall be conducted in accordance with Rule 51 of the Rules of Procedure of ECE;

(f) Consultations with non-governmental organizations shall be conducted in accordance with Rules 52 and 53 of the Rules of Procedure of ECE. Non-governmental organizations with consultative status under paragraph (d) shall be treated as non-governmental organizations included on the list.

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[1] Paragraph 11: "The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member."

[2] Paragraph 12: "The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practices of the Economic and Social Council."

[3] Paragraph 13: "The Commission shall make arrangements for consultation with non-governmental organizations which have been granted consultative status by the Economic and Social Council, in accordance with the principles approved by the Council for this purpose and contained in Council resolution 1996/31, parts I and II."

Chapter II

Sessions

Rule 2

Sessions shall be held on dates fixed by the ECE secretariat in accordance with the programme of work.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva. If WP.11 decides to hold a particular session elsewhere, the relevant United Nations rules and regulations shall apply.

Rule 4

(a) The secretariat shall, at least twelve (12) weeks before the commencement of a session, announce the opening date of the session and distribute a copy of the provisional agenda via the ECE website[4];

(b) The basic documents prepared by participants must be submitted to the secretariat in electronic form at least twelve (12) weeks before the commencement of a session, in accordance with the procedures and rules contained in the Annex;

(c) The basic documents relating to each item on the agenda of a session shall be available on the ECE website[4] in all official languages of ECE before the session at the latest forty-two days before the opening of the session; however, in exceptional cases, translated texts may be made available on this site twenty-one days before the opening of the session;

(d) In exceptional cases, the secretariat may distribute basic documents at the session, but in this case such documents may normally be used only for preliminary consideration unless WP.11 decides otherwise;

(e) Any participant, as well as the secretariat, may also submit informal documents, provided the procedures and rules in the Annex are respected.

[4] http://unece.org/trans/main/welcwp11.html.

Chapter III

Agenda

Rule 5

The provisional agenda for each session shall be drawn up by the secretariat in coordination with the Chairperson or Vice-Chairperson (acting as Chairperson).

Rule 6

The provisional agenda for any session may include:

(a) Items stipulated in the current programme of work;

(b) Items proposed by ECE or the Inland Transport Committee;

(c) Any other item proposed by a participant, insofar as it relates to the terms of reference of the Working Party;

(d) Any other items which the Chairperson or Vice-Chairperson or the secretariat may see fit to include.

Rule 7

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 8

The WP.11 may amend the order of agenda items at any time during the session.

Chapter IV

Representation

Rule 9

Representation at sessions of WP.11 by participants as defined in Rule 1 shall be by an accredited representative.

Rule 10

The representative may be accompanied by alternate representatives, advisers or experts. If absent, a representative may be replaced by an alternate representative.

Rule 11

(a) The names of representatives, alternate representatives, advisers and experts shall be submitted to the ECE secretariat at the latest one week before the opening of the session;

(b) The secretariat shall prepare a provisional list of persons scheduled to attend the session and make it available to the permanent missions of participating countries to the Office of the United Nations in Geneva two working days before the opening of the session. Unless notified otherwise by the permanent mission concerned before the opening of the session, the persons appearing in this list shall be considered as duly accredited;

(c) The secretariat shall prepare a list of the names of all persons attending the session and make it available to them at the end of the session.

Chapter V

Officers

Rule 12

Every year, WP.11 shall elect a Chairperson and a Vice-Chairperson from among the representatives of full participants as defined in Rule 1. They shall take office at the session in the year following their election. The officers may be re-elected.

Rule 13

If the Chairperson is absent from a session, or part thereof, or if the Chairperson so requests, the Vice-Chairperson shall preside.

Rule 14

If the Chairperson ceases to represent a participating country or can no longer hold office, the Vice-Chairperson designated in accordance with Rule 12 shall become Chairperson for the unexpired portion of the term. In that case, WP.11 shall elect another Vice-Chairperson at the opening of the next session. The same shall apply if the designated Vice-Chairperson ceases to represent a participating country or can no longer hold office.

Rule 15

The Vice-Chairperson acting as Chairperson shall have the same powers and carry out the same duties as the Chairperson.

Rule 16

The Chairperson shall participate in WP.11 in this capacity and not as the representative of his/her country. The WP.11 shall admit an alternate representative to represent that participant and to exercise its right to vote. However, if there is no alternate representative or if the alternate representative is absent, the Chairperson may exercise his/her right to vote as the representative of his/her country.

Chapter VI

Secretariat

Rule 17

The Executive Secretary of ECE shall act in that capacity at all sessions of WP.11. He/she may appoint another member of the secretariat of ECE to take his/her place.

Rule 18

The secretariat shall make all necessary arrangements for the organization and holding of sessions.

Rule 19

During sessions, the secretariat shall assist WP.11 in complying with these rules of procedure.

Rule 20

The secretariat may submit written or oral statements on any item considered.

Chapter VII

Conduct of business

Rule 21

Unless otherwise decided, WP.11 shall meet in private session.

Rule 22

The Chairperson shall announce the opening and the closing of each session, direct the discussion, ensure the application of these rules of procedure, give the floor to speakers, put questions to the vote and announce the decisions taken. The Chairperson may also call a speaker to order if his/her remarks are not relevant to the subject under discussion. The Chairperson may limit the time allowed to each speaker.

Rule 23

At the end of each session, WP.11 shall adopt a report or list of main decisions based on a draft prepared by the secretariat.

Rule 24

The Chairperson may decide, in consultation with the secretariat, to reduce the length of a session or to postpone it in the event of force majeure.

Rule 25

During the discussion of any matter a representative may raise a point of order. In this case the Chairperson shall immediately state his/her ruling. If it is challenged, the Chairperson shall put it to a vote immediately. The ruling shall stand unless opposed by the majority.

Rule 26

During the discussion of any matter a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proposal of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion.

Rule 27

A representative may at any time move the closure of the debate whether or not any other representative has signified his/her wish to speak. Two other representatives may be authorized to speak in order to oppose the closure.

Rule 28

The Chairperson shall take the sense of WP.11 on a motion for closure. If WP.11 is in favour of the closure, the Chairperson shall declare the debate closed.

Rule 29

Principal motions and resolutions shall be put to the vote in the order of their submission unless WP.11 decides otherwise.

Rule 30

When an amendment revises, adds to or deletes from a proposal the amendment shall be put to the vote first, and if it is adopted, the amended proposal shall then be put to the vote.

Rule 31

If two or more amendments are moved to a proposal, WP.11 shall vote first on the amendment furthest removed in substance from the original proposal, then, if necessary, on the amendment next furthest removed and so on, until all the amendments have been put to the vote.

Rule 32

The WP.11 may, at the request of a representative, decide to put a motion or resolution to the vote in parts.

Rule 33

Every representative has the right to declare his or her position and may request that it be reflected, in summarized form, in the report of the session.

Chapter VIII

Voting

Rule 34

Full participants shall have one vote in WP.11 but only ATP Contracting Parties may vote on amendments to the ATP or the ATP Handbook.

Rule 35

Decisions regarding the ATP shall be carried by a unanimous vote in favour. Decisions regarding the ATP Handbook shall be carried by a majority vote in favour provided that there are no more than three votes against the proposal. All other decisions shall chiefly be taken by consensus but in the absence of consensus, decisions shall be taken by a majority of the full participants present and voting.

Rule 36

The WP.11 shall normally vote by show of hands. If any representative requests a roll call, a roll call shall be taken in the English alphabetical order of the names of the members.

Rule 37

All elections shall be decided by a show of hands.

Chapter IX

Languages

Rule 38

English, French and Russian are the working languages of WP.11. Statements made in one of these languages shall be interpreted into the other two languages.

Chapter X

Special sessions of WP.11 and ad hoc groups

Rule 39

The above rules of procedure shall apply mutatis mutandis to special sessions of WP.11.

Rule 40

Between sessions, WP.11 may be assisted in its tasks by informal ad hoc groups. To be established and hold meetings, such groups must be hosted and invited by a participant in WP.11 as defined in Rule 1.

Chapter XI

Amendments

Rule 41

Any of these rules of procedure may be amended in accordance with Rule 35. However, any proposed amendment shall require the approval of the Inland Transport Committee and the endorsement of the Executive Committee of ECE.

Annex

Rules concerning documents to be submitted to the Working Party on the Transport of Perishable Foodstuffs

Official documents

1. Documents for consideration under each agenda item of a session shall be transmitted as early as possible so that they reach the secretariat not less than 12 weeks before the opening of the session or, if they are transmitted simultaneously in English, French and Russian, not less than 6 weeks before.

2. They shall be transmitted to the secretariat by e-mail.

3. Documents, including reports of informal ad hoc groups, shall be as brief and concise as possible and not exceed fifteen pages, except in exceptional instances where long passages from regulations or recommendations are the subject of proposed draft amendments.

4. All documents containing proposed amendments to legal instruments shall comply with the standard presentation shown in the appendix to these rules, include a brief summary and, where necessary, a justification taking into account the following criteria:

Cost:	What are the cost implications?
Feasibility:	Which economic sector or public service is concerned by the proposed amendments?
	What are the consequences in terms of the advantages and disadvantages?
	Is a transitional period required?
Environmental impact:	Will the proposed amendment have any environmental implications, for example in terms of reduced fuel consumption or increased insulating capacity?
Enforceability:	Once implemented, can the amendments be observed or monitored?

This rule shall not apply to editing amendments or amendments proposed by an informal ad hoc group.

5. The secretariat may decide:

(a) To postpone until the next session documents which have not reached it twelve weeks before the opening of a session;

(b) Only to translate parts of documents more than fifteen pages long, so as not to delay their distribution, when they contain lengthy explanatory technical annexes or tables which it is not intended to include in the legal instrument;

(c) To return the document to the sender if the presentation does not conform to that of the appendix to these rules. In such cases the document may be reformulated in accordance with the presentation required in rule 4, provided that the revised version reaches the secretariat not less than ten weeks before the opening of the session;

If this is not the case, the document will nevertheless be distributed in its initial form.

Informal documents

6. Documents which do not reach the secretariat twelve weeks before the session may also be submitted for consideration at the session under the "INF" symbol (informal documents), provided:

(a) That they contain specific commentaries or additional information concerning a new document included in the provisional agenda and that it has not therefore been possible to submit them in time;

(b) That they are submitted for information purposes and normally require no decision from the Working Party;

(c) That they are intended to correct errors in existing texts;

(d) That they are intended to clarify the interpretation of existing texts; or

(e) That they contain the report of an informal working group mentioned in the provisional agenda.

7. These informal documents must be sent to the secretariat by e-mail, allowing sufficient time to post them on the ECE website. As a rule, save in exceptional circumstances, the secretariat shall neither reproduce nor distribute paper copies of these informal documents.

8. The secretariat shall assign an "INF" symbol to informal documents which shall be transmitted to the author of the document who may send advance copies to other delegations. The author of an informal document shall indicate clearly the title of his communication, the official document to which it refers, where relevant, and the agenda item under which it should be considered.

9. Other documents may be distributed to delegations during the session, for example, informal documents unrelated to an agenda item, advance copies of future proposals, etc. These documents are reproduced and distributed by their author and not by the secretariat. They shall not be considered during the session, unless the Working Party decides otherwise.

Appendix

Standard format for documents

(for proposals regarding amendments to a legal instrument)

Title of agenda item

Title of proposal, setting out the question

Transmitted by ...

Summary

Executive summary: This description outlines the proposed objective (amendment, information only; etc.)

Action to be taken: Reference is made to the paragraphs of the legal instrument to be amended.

Related documents: Other key documents are listed.

Introduction

Motive/developments, which justify the amendment.

Proposal

Description of the proposed amendment, including amended text of paragraphs and consequential amendments.

Justification

Cost:	What are the cost implications?
Feasibility:	Which economic sector or public service is concerned by the proposed amendments?
	What are the consequences in terms of advantages and disadvantages?
	Is a transitional period required?
Environmental impact:	Will the proposed amendment have any environmental implications, for example in terms of reduced fuel consumption or increased insulating capacity?
Enforceability:	Once implemented, can the amendments be observed or monitored?